

Amendment and Response-Under 37 C.F.R. §1.116 - Expedited Examining Procedure Page 7 of 9
Serial No.: 10/050,639
Confirmation No.: 6476
Filed: January 15, 2002
For: METHOD AND COMPOSITION FOR SELECTIVELY ETCHING AGAINST COBALT SILICIDE

Remarks

The Office Action mailed November 4, 2003 and the Advisory Action mailed January 29, 2004 have been received and reviewed. Claims 46 and 51-59 have been cancelled. Therefore, the pending claims are claims 60-88. Reconsideration and withdrawal of the rejections are respectfully requested.

Information Disclosure Statement

The Examiner indicated that the Information Disclosure Statement filed failed to comply with 37 C.F.R. §1.97(d) in that it lacked a statement as specified in 37 C.F.R. §1.97(e). The references cited in the Information Disclosure Statement filed 5 January 2004 were cited in an Office Action mailed 22 October 2003 by the Examiner in a related patent application Serial No. 09/560,268. Although they do not appear to include compositions or methods using such compositions as described in pending claims of the present application, to fully comply with Applicants' duty of disclosure they were submitted for consideration.

As such, as specified in 37 C.F.R. §1.97(e), at least in part because such references cited in the Information Disclosure Statement filed 5 January 2004 were cited in an Office Action mailed 22 October 2003 by the Examiner in a related patent application Serial No. 09/560,268, no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the undersigned's knowledge, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement on 5 January 2004.

Applicants' have already authorized the fee of \$180 under 1.17(p) when the Information Disclosure Statement was filed on 5 January 2004. Please charge any additional fees or credit any overpayment to Deposit Account No. 13-4895.

Consideration of the Information Disclosure Statement filed 5 January 2004 is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 form filed 5 January 2004 (a copy of which is attached hereto), marked

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as being considered and initialed by the Examiner, be returned with the next Official Communication.

Rejection of claims 46 and 51-59 under 35 U.S.C. § 103(a)

The Examiner continues to reject claims 46 and 51-59 under 35 U.S.C. § 103 as being unpatentable over Hayashi et al. (U.S. Patent No. 5,482,895) and further in view of Berti et al. (U.S. Patent No. 5,567,651). Applicants respectfully traverse the Examiner's rejections. However, to move the present application to issuance, Applicants' have cancelled claims 46 and 51-59. As such, this rejection is moot.

Allowable Subject Matter

Applicants acknowledge the allowance of claims 60-88. Therefore, in view of the cancellation of claims above, the present application is in condition for allowance.

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Summary

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
Lee et al.

By
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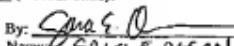
4 Feb 2004

Date

By: 
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4th day of February, 2004, at 2:00 PM (Central Time).

By: 
Name: SARA E. OLSON

COPY

OMB No. 0651-0011

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	Atty. Docket No.: 150.00560104	Serial No.: 10/050,639
	Applicant(s): Lee et al.	Confirmation No.: 6476
	Application Filing Date: January 15, 2002	Group: 1765
	Supplemental Information Disclosure Statement mailed:	January <u>5</u> , 2004

U.S. PATENT DOCUMENTS

Examiner Initial	Copy Enclosed	Document Number	Date	Name	Class	Subclass	Filing Date is Appropriate
	X	4,350,564	09/21/82	Wei			
	X	5,945,346	08/31/99	Vanell et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initial	Copy Enclosed	Document Number	Date	Country	Class	Subclass	Translation Yes No
		None					

OTHER DOCUMENTS (Including Authors, Title, Date, Pertinent Papers, etc.)

Examiner Initial	Copy Enclosed	Document Description
		None

EXAMINER**Date Considered**

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.